GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PS – PR & RD Deptt., - Charges on violation of APCS (Conduct) Rules,1964 against Sri M. Venkateswara Rao, formerly Executive Engineer, PR, Vijayawada (Now Retd.) – Held proved in the regular inquiry Representation – Imposition of a penalty of 10% cut in pension for a period of 5 years under Rule 9 of A.P. Revised Pension Rules,1980 – Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.969 **Dated:26.12.2022.**
Read the following:

1. G.O.Rt.No.277, PR&RD (Vig. I) Dept., Dt: 19.03.2015.
2. From Sri M. Venkateswara Rao, E.E, PR, Ongole, written statement of defence, dt:16.06.2015.
3. G.O.Rt.NO.1071, PR&RD (Vig. I) Dept., dt:23.11.2015.
4. G.O.Rt.No.812, PR&RD (Vig.I) Department, Dt.25.06.2018.
5. From Sri R.Venateswara Rao, the then ENC, PR & now retd, Lr.No. ENC/PR/Enquiry-MVR/2097,Dt.24.05.2019.
6. Govt. Memo No. 6295/Vig. I/2010, PR&RD (Vig.I)Dept., Dt: 16.05.2020.
7. From the ENC,PR, Lr. No Vig. II/3329/2010, dated: 30.09.2020.
8. Govt. Memo No.6295/ Vig. I/2010, PR&RD (Vig. I) Department, Dt:29.01.2021.
9. From the ENC,PR, Letter No. Vig. II/3329/2010, Dt: 31.03.2021.
10. From Sri M. Venkateswara Rao, former E.E, PR (now Retd.), representation,dt:15.03.2021.
11. Govt. Letter No. 6295/Vig. I/2010, PR&RD (Vig.I)Dept., Dt: 23.02.2022.
12. From the Secretary, A.P. Public Service Commission, letter No. 121DC&C/2022,dated:20.04.2022.

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ORDER:

In the reference 1st read above, Government have framed following article of charge against Sri M. Venkateswara Rao, formerly Executive Engineer, Panchayat Raj, Vijayawada, under Rule 20 of A.P.C.S (CC&A) Rules, 1991 for violation of APCS (Conduct) Rules, 1964 with a direction to submit his written statement of defence.

Charge:

That, Sri Mendu Venkateswara Rao, Executive Engineer, Panchayat Raj, Vijayawada, during his service, committed grave misconduct in as much as he (i) failed to submit Annual property returns to the competent authority except for the years 1999, 2007 & 2008; that (ii) he has also failed to obtain prior permission from the competent authority for acquiring movable/immovable properties either in his name or in the name of his family members and further (iii) the A.O., had engaged his wife in construction business without intimation to the competent authority; thus he violated Rule 9(7) R/w 3(1), (2) of APCS (Conduct) Rules, 1964 and Rule 10(1-A) of APCS (Conduct) Rules, 1964.

(P.T.O)

Thus, Sri Mendu Venkateswara Rao, by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct unbecoming of a Government Servant and there by contravened Rule 9 (7) R/w 3(1), (2) of APCS (Conduct) Rules, 1964 and Rule 10(1-A) of APCS (Conduct) Rules, 1964.

2. In the reference 2nd read above, the charged officer has submitted his written statement of defence. Government, after examination, have taken a decision to conduct regular inquiry into the matter as the written statement of defence of the charged officer is not convincing. Accordingly, in the reference 3rd read above, Government appointed Sri C.V.S. Rama Murthy, ENC, PR as the Inquiring Authority under Rule 20(2) of APCS (CC&A) Rules, 1991 to conduct inquiry into the charges framed against the charged officer. Subsequently, in the reference 4th read above, Government have appointed Sri R. Venkateswara Rao, Engineer-in-Chief, Panchayat Raj as the Inquiring Authority to conduct inquiry into the matter in place of Sri C.V.S. Rama Murthy, former Engineer-in-chief, PR, since retired.

3. In the reference 5th read above, the Inquiring Authority has furnished inquiry report dt:24.05.2019 holding that the Annual Property Returns submitted by the Charged Officer in the cadre of Dy.EE, are available only for the years 1999, 2007 & 2008, as per the records with the Department and for remaining years no APRs are available. The I.A mentioned that, out of 12 items of movable and immovable properties mentioned in the statement of imputations in the Annexure-II, that the C.O., has not obtained any prior permission for the items of properties at Sl. Nos. 3 to 12 and for this, the C.O ought to have obtained prior permission being the Govt. servant. Regarding construction business being done by the wife of C.O, the I.A has mentioned that, the C.O., did not intimate to the Department. Accordingly, the Inquiring Authority has concluded his findings holding that charge is held proved against the charged officer on the above three counts.

4. In the reference 6th read above, Government have communicated a copy of the inquiry report to the Charged Officer with a direction to submit his representation, if any, on the findings of the Inquiring Authority.

5. In the reference 7th read above, the Engineer-in-Chief, PR, AP, Vijayawada has furnished the representation dt:17.08.2020 of the charged officer Sri M. Venkateswara Rao, E.E (PR) (Retired), wherein the C.O., has stated that he had already submitted his APRs upto 31.12.2008 to the ENC, PR during the month of March, 2009 and there was no pendency Annual Property Returns to be submitted by him. His two sons are majors and employees and acquired assets and hence no permission required for the assets acquired by his sons. His wife invested in construction wing as sleeping partner and acquired properties with her income sources. The C.O has requested the Government to re-consider the findings of the Inquiry Authority and drop charges framed against him.

(continued at page 3)

6. Government have examined the representation of the charged officer and observe that, the charged officer was joined in the Government service as Junior Officer on 23.08.1980 and elevated to the posts of Deputy Executive Engineer and Executive Engineer and retired from service on attaining the age of superannuation on 28.02.2018 ie., after rendering nearly 37 years of service. As per the records available with the Department, the charged officer, has just filed three years of APRs for the years 1999, 2007 & 2008 respectively and there is no record to show that the Charged Officer has filed APRs for the remaining years. Thus the C.O has violated the Rule 9(7) of APCS (Conduct) Rules, 1964. Regarding his contention that no prior permission is required for the properties acquired by his major sons is also not tenable, since the Rule 9(1) of above said rules stipulated about such permission. Further his contention that, his wife involved in his construction business and acquired assets with her sources also not tenable, since as per Rule 10 (1)(a) of above said rules that "Every Government employee shall report to the Government if any member of his family is engaged in trade and business or owns or agency or Commission agency. Hence, the content of the charged officer to drop further action is not tenable since he is not absolved from the charge.

7. In view of the above, Government have taken provisional decision to impose a penalty of 10% cut in pension for a period of 5 years against Sri M. Venkateswara Rao, Executive Engineer, PR (Retired) under Rule 9 of A.P. Revised Pension Rules 1980, in the case of violation of conduct rules. Accordingly, Government have communicated the above provisional decision to the charged officer with a direction to submit his representation if any on the above Provisional decision, vide reference 8th read above.

8. In the reference 9th read above, the Engineer-in-Chief, PR has forwarded the representation of the charged officer dt:15.03.2021 to the Government, wherein the charged officer has submitted similar contentions as under Para 5 above and requested to drop the proposed penalty against him on humanitarian grounds.

9. Government have examined the representation of the charged Officer and observe that Charged Officer has not filed any valid representation on the three counts of charges held proved against him. As such, his contention to drop further action against him is devoid of merits. Accordingly, Government have taken decision to proceed further with the above proposed penalty and addressed the A.P. Public Service Commission for their concurrence vide References 10th read above.

10. In the reference 11th read above, the Secretary, A.P. Public Service Commission has communicated the consent of the Commission to impose the above penalty against the charged officer and advised to take action accordingly.

11. Accordingly, Government after careful examination of the matter, hereby impose a penalty of 10% cut in pension for a period of 5 years against Sri M. Venkateswara Rao, former Executive Engineer, PR, Vijayawada (Retired) under rule 9 of A.P. Revised Pension Rules 1980, in the case of violation of conduct rules. The same is without reference to the criminal case 'on the allegation of acquisition of assets disproportionate to the known sources of income pending against him' in CC No. 3 of 2017 before the Hon'ble Court of Court of Spl. Judge for SPE & ACB Cases, Nellore.

12. The Engineer-in-Chief, Panchayat Raj, AP, Vijayawada is requested to take necessary action accordingly in the matter.

(BY ORDER AND IN THE NMAE OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The individual concerned
through the Engineer – in- Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, A.P, Vijayawada
(with a request to serve the order on the individual and furnish the served copy)

Copy to:

The Director General, Anti-Corruption Bureau, AP, Vijayawada.
The Secretary to Vigilance Commission,
Andhra Pradesh Vigilance Commission, Velagapudi.
The Secretary, A.P. Public Service Commission,
Vijayawada.
The Accountant General, A.P, Vijayawada
The OSD to Hon'ble Dy. C.M for PR&RD.,
The PS to Prl. Secy. to Govt, PR&RD. Dept,
The PR&RD (Estt. I) Department.
SF/SC.

//FORWARDED::BY::ORDER//

SECTION OFFICER